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16 UNITED STATES DISTRICT COURT
17 WESTERN DISTRICT OF WASHINGTON AT TACOMA

18 CITY OF TACOMA,

19 Plaintiff,

No. 2:16-cv-05057

20 v.

STIPULATION AND PROPOSED
ORDER

21 GENERAL CHEMICAL CORPORATION;
22 GENERAL CHEMICAL PERFORMANCE
23 PRODUCTS, LLC; CHEMTRADE
24 LOGISTICS INC.; CHEMTRADE
25 CHEMICALS CORPORATION;
26 CHEMTRADE CHEMICALS US, LLC;
GENTEK, INC.; AND FRANK A. REICHL,
AND JOHN DOES 1-50,

Defendants.

WHEREAS, on January 21, 2016, Plaintiff City of Tacoma filed a class action complaint against General Chemical Corporation, General Chemical Performance Products, LLC, Chemtrade Logistics, Inc., Chemtrade Chemicals Corporation, Chemtrade Chemicals US, LLC, GenTek Inc., Frank A. Reichl, and John Does 1-50 alleging violations of federal antitrust law for price-fixing,

STUIPULATION AND PROPOSED ORDER - 1

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1 bid rigging, and customer allocation in the market for liquid aluminum sulfate.

2 WHEREAS, as of January 25, 2016, a total of twenty-four related class action complaints
3 have been filed in the U.S. District Court for the District of New Jersey on behalf of a nationwide
4 class of direct purchasers of liquid aluminum sulfate. A list of these cases is provided in Appendix
5 A.

6
7 WHEREAS, as of January 25, 2016, nine related class action complaints have been filed
8 in the U.S. District Court for the District of Minnesota. A list of these cases is provided in
9 Appendix B.

10 WHEREAS, as of January 25, 2016, six related class action complaints have been filed in
11 the U.S. District Court for the Eastern District of Pennsylvania. A list of these cases is provided
12 in Appendix C.

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14 WHEREAS, as of January 25, 2016, a similar class action complaint has been filed in the
15 U.S. District Court for the Western District of Louisiana. This case is listed in Appendix D.

16 WHEREAS, as of January 25, 2016, a similar class action complaint has been filed in the
17 U.S. District Court for the Eastern District of Washington. This case is listed in Appendix E.

18 WHEREAS, on December 2, 2015, a motion to transfer each related action to the U.S.
19 District Court for the District of Minnesota was filed with the Judicial Panel on Multidistrict
20 Litigation ("JPML"), initiating a JPML docket styled In re Liquid Aluminum Sulfate Antitrust
21 Litigation, MDL No. 2687.

22
23 WHEREAS, on December 8, 2015, a second motion to transfer each related action to the
24 U.S. District Court for the District of New Jersey was filed with the JPML.

25 WHEREAS, numerous Plaintiffs and Defendants subsequently filed responses before the
26 JPML regarding transfer of the related actions and the JPML will consider the motions at its next

1 regularly scheduled hearing session on January 28, 2016.

2 WHEREAS, service of process has not been effected on all defendants in the above-
3 captioned action.

4 WHEREAS, this Stipulation is made prior to the expiration of the period for any defendant
5 in the above-captioned action to answer, move, or otherwise respond to any Complaint.

6 WHEREAS, no prior application for the relief sought herein has been made.

7 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, subject to
8 approval by the Court, by and between the parties, through their undersigned counsel, that:
9

10 1. The Defendants that are parties to this Stipulation, including General Chemical
11 Corporation, General Chemical Performance Products, LLC, Chemtrade Logistics, Inc.,
12 Chemtrade Chemicals Corporation, Chemtrade Chemicals US, LLC, and GenTek Inc. (the "GCC
13 Entities"), and Frank A. Reichl, shall have 60 days after the filing of a Consolidated Amended
14 Complaint in the transferee district to which the MDL Panel transfers the related actions to move
15 or otherwise respond to the Consolidated Amended Complaint, unless the transferee court sets a
16 different schedule.
17

18 2. Notwithstanding paragraph 1, if the Defendants that are parties to this Stipulation
19 file an answer, move to dismiss, or otherwise respond to the complaints in any of the related
20 actions, such Defendants will concurrently answer, move to dismiss, or otherwise respond as
21 permitted by the Federal Rules in the above-captioned action or in any related action now or
22 hereafter pending in this or any other federal District Court.
23

24 3. If a Defendant that is a party to this Stipulation serves any initial disclosures
25 pursuant to Rule 26 of the Federal Rules of Civil Procedure, or documents pursuant to any formal
26 or informal discovery request, agreement or court order in any of the related actions now or

STIPULATION AND PROPOSED ORDER - 3

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hereafter pending in this or any other federal District Court prior to the date to move or answer required by this Stipulation, that Defendant will concurrently serve the same discovery on Plaintiffs in the above-captioned action. Any production of documents will be subject to a protective order to be negotiated by the parties.

4. The GCC Entities agree that Steven A. Reiss and Adam C. Hemlock of Weil, Gotshal & Manges LLP may accept service of any pleadings on their behalf.

5. Defendant Frank A. Reichl agrees that Michael B. Himmel and Michael A. Kaplan of Lowenstein Sandler, LLP may accept service of any pleadings on his behalf.

IT IS SO ORDERED.

DATED

February 1, 2016



United States District Court Judge

STIPULATED AND AGREED TO BY AND BETWEEN THE FOLLOWING COUNSEL:

DATED this 25th day of January, 2016.

KELLER ROHRBACK L.L.P.

By: s/ Mark A. Griffin

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STIPULATION AND PROPOSED ORDER - 4

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Counsel for Defendant Frank A. Reichl

APPENDIX A

Listed below are the class action suits that have been filed in the U.S. District Court for the District of New Jersey on behalf of a nationwide class of direct purchasers of liquid aluminum sulfate as of January 25, 2016:

- *Central Arkansas Water v. Frank A. Reichl, et al.*, No. 15-cv-07827
- *Detroit Water and Sewerage Department v. Frank A. Reichl, et al.*, No. 15-cv-07896
- *Chester Water Authority v. Frank A. Reichl, et al.*, No. 15-cv-07928
- *City and County of Denver v. General Chemical Performance Products, LLC, et al.*, No. 15-cv-07996
- *City of Winter Park v. General Chemical Corporation, et al.*, No. 15-cv-08031
- *City of Cincinnati v. Frank A. Reichl, et al.*, No. 15-cv-08065
- *Hazleton City Authority v. Frank A. Reichl, et al.*, No. 15-cv-08056
- *American Eagle Paper Mills, Inc. v. Frank A. Reichl, et al.*, No. 15-cv-08142
- *Oakland County, Michigan v. Frank A. Reichl, et al.*, No. 15-cv-08198
- *Amrex Chemical Company, Inc. v. Frank A. Reichl, et al.*, No. 15-cv-08227
- *City of Greensboro v. Frank A. Reichl, et al.*, No. 15-cv-08230
- *City of Newark v. Frank A. Reichl, et al.*, No. 15-cv-08261
- *The Brick Township Municipal Utilities Authority v. Frank A. Reichl, et al.*, No. 15-cv-08273
- *The City of Texarkana, Arkansas and The city of Texarkana, Texas v. Frank A. Reichl, et al.*, No. 15-cv-08294
- *Clarksville Light & Water Co. v. General Chemical Corporation, et al.*, No. 15-cv-08295
- *City of Columbia, South Carolina v. Frank A. Reichl, et al.*, 15-cv-08429

- 1 • *Suez Water Management & Services, Inc., et al. v. Frank A. Reichl, et al.*, 15-cv-08697
- 2 • *The City of Charlotte v. Frank A. Reichl, et al.*, 15-cv-08755
- 3 • *Town of Tonawanda v. Frank A. Reichl, et al.*, 15-cv-08739
- 4 • *Beaver Water District v. Frank A. Reichl, et al.*, 15-cv-08887
- 5 • *City of Springdale, Arkansas v. Frank A. Reichl, et al.*, 15-cv-08889
- 6 • *City of Siloam Springs, Arkansas v. Frank A. Reichl, et al.*, 15-cv-08888
- 7 • *Interstate Chemical Co., Inc. v. Frank A. Reichl, et al.*, 16-cv-00009
- 8 • *Ottawa County, Ohio v. Frank A. Reichl, et al.*, 16-cv-00303
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APPENDIX B

Listed below are the class action suits that have been filed in the U.S. District Court for the District of Minnesota on behalf of a nationwide class of direct purchasers of liquid aluminum sulfate as of January 25, 2016:

- *City of Rochester, Minnesota v. Hawkins, Inc., et al.*, No. 15-cv-04266
- *Metropolitan Council v. Hawkins, Inc., et al.*, 15-cv-04303
- *Water, Light, Power and Building Commission of the City of East Grand Forks, Minnesota v. Hawkins, Inc., et al.*, 15-cv-04350
- *City of Minneapolis v. Frank A. Reichl, et al.*, 15-cv-04434
- *City of Duluth, Minnesota v. Frank A. Reichl, et al.*, 15-cv-04435
- *TeeMark Corporation v. Frank A. Reichl, et al.*, 15-cv-04438
- *Mobile Area Water and Sewer System v. Hawkins, Inc., et al.*, 15-cv-04498
- *Board of Water Commissions of the City of Saint Paul, Minnesota v. Frank A. Reichl, et al.*, 15-cv-04582
- *City of St. Cloud v. Frank A. Reichl, et al.*, 16-cv-00091

APPENDIX C

Listed below are the class action suits that have been filed in the U.S. District Court for the Eastern District of Pennsylvania on behalf of a nationwide class of direct purchasers of liquid aluminum sulfate as of January 25, 2016:

- *Environmental Research and Design, Inc., v. Frank A. Reichl, et al.*, No. 15-cv-06421
- *Flambeau River Papers, LLC v. Frank A. Reichl, et al.*, No. 15-cv-06422
- *Little River County R.D.A. Water System v. Frank A. Reichl, et al.*, 15-cv-06564
- *City of East Moline v. Frank A. Reichl, et al.*, 15-cv-06638
- *East Valley Water District v. Frank A. Reichl, et al.*, 15-cv-06799
- *Municipal Authority of Westmoreland County v. Frank A. Reichl, et al.*, 16-cv-00170

APPENDIX D

Listed below is the sole class action suit that has been filed in the U.S. District Court for the Western District of Louisiana on behalf of a nationwide class of direct purchasers of liquid aluminum sulfate as of January 25, 2016:

- *The City of Alexandria v. Frank A. Reichl, et al.*, 15-cv-02840

APPENDIX E

Listed below is the sole class action suit that has been filed in the U.S. District Court for the Eastern District of Washington on behalf of a nationwide class of direct purchasers of liquid aluminum sulfate as of January 25, 2016:

- *The City of Spokane v. General Chemical Corporation, et al.*, 16-cv-00010